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Chief Probation Officer of Yolo County
7 In His Official Capacity
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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 LORENZA GOMEZ, as next friend for J.G., a
13 minor, and on her own behalf, et al.,

14 Petitioners/Plaintiffs on behalf
of themselves individually and
15 others similarly situated,

16 v.

17 JEFFERSON B. SESSIONS, et al.,

18 Respondents/Defendants.

Case No. 3:17-cv-03615-VC

**DEFENDANT BRENT CARDALL'S
NOTICE OF MOTION AND MOTION TO
DISMISS PURSUANT TO RULES 12(b)(1)
AND 12(b)(6)**

Date: October 26, 2017

Time: 10:00 a.m.

Judge: Vince Chhabria

Courtroom: 4

1 PLEASE TAKE NOTICE that on October 26, 2017 at 10:00 a.m., or as soon thereafter as
2 the matter may be heard in the above-entitled court, defendant Brent Cardall will move the court
3 to dismiss the action pursuant to Federal Rules of Civil Procedure Rules 12(b)(1) and 12(b)(6) on
4 the grounds that Plaintiff fails to state a claim upon which relief can be granted against Cardall,
5 Cardall is not the immediate custodian upon whom a habeas petition can be granted, and the Court
6 lacks subject-matter jurisdiction to award injunctive and declaratory relief because Plaintiffs are
7 not housed at a facility controlled by Cardall.

8 The motion will be based on this Notice of Motion and Motion, the Memorandum of
9 Points and Authorities filed herewith, and the pleadings and papers filed herein.

10 Dated: September 14, 2017

PHILIP J. POGLEDICH
COUNTY COUNSEL

14 By: /s/ Philip J. Pogledich

Attorneys for BRENT CARDALL